



**City of Seattle**

Mike McGinn, Mayor

**Seattle Human Rights Commission**

Chris Stearns, Chairman

**Testimony of Chris Stearns, Chairman  
The Seattle Human Rights Commission**

**Before Professor James Anaya  
U.N. Special Rapporteur on the Rights of Indigenous Peoples**

**Consultation in the Pacific Northwest**

Longview, Washington  
April 30, 2012

Good evening and thank you for the opportunity to present our views and recommendations. My name is Chris Stearns. I am a member of the Navajo Nation and I am here in my capacity as the Chairman of the Seattle Human Rights Commission.

The Seattle Human Rights Commission was founded in 1963 to protect and advocate for the human rights and equal treatment of all people who live and work in Seattle. The Commission advises the Mayor and City Council on human rights and discrimination against all persons. We also hear citizen appeals of decisions made by the Office for Civil Rights on discrimination cases.

The Commission believes that human rights are those fundamental rights which are necessary for all people to enjoy if the inherent dignity and value of each human being is to be respected. We all have human rights and we all have responsibilities to respect the human rights of others. The Commission's mission to protect those rights extends to those who are the most vulnerable and in the City of Seattle that means American Indians, Alaska Natives and those from Canada's First Nations.

**Human Rights of Urban Indians in Seattle**

Native Americans comprise a significant portion of the Seattle and Seattle-Tacoma metropolitan regions. Natives make up 2% of the population in Seattle-King County and 3.2% of the population of Tacoma-Pierce County. Taken together, that is nearly 65,000 Native Americans.<sup>1</sup>

Article 46 of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) states that it is to be interpreted in accordance with "principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith." Measured against these principles, the United States, the State of Washington, and the City of Seattle have all fallen woefully short.

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<sup>1</sup> US Census Bureau, American Factfinder, 2010 Demographic Profile Data  
[http://psrc.org/assets/6198/DEC\\_10\\_DP\\_King\\_Co.pdf](http://psrc.org/assets/6198/DEC_10_DP_King_Co.pdf)  
[http://psrc.org/assets/6200/DEC\\_10\\_DP\\_Pierce\\_Co.pdf](http://psrc.org/assets/6200/DEC_10_DP_Pierce_Co.pdf)

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In 1855, eighty-two tribal leaders from the Puget Sound, including Chief Seattle, signed the Treaty of Point Elliott, ceding hundreds of thousands of acres of land, including the land that makes up all of Seattle today. Yet only eleven years later, as soon as the Town of Seattle was founded, the Council passed Ordinance No. 5 (1865) which decreed that “no Indian or Indians shall be permitted to reside, or locate their residences on any street, highway, lane, or alley or any vacant lot in the town of Seattle.”<sup>2</sup>

In other words, the City of Seattle’s discriminatory treatment of Native Americans reaches deep into its core. Nearly a hundred years later, the status of Native Americans in Seattle still raises significant human rights concerns.

- Compared to the general population, urban Indians have:
  - 38 % higher rates of accidental deaths
  - 54 % higher rates of diabetes
  - 126 % higher rates of liver disease and cirrhosis
  - 178 % higher rates of alcohol-related deaths<sup>3</sup>
- Urban Indian women have considerably lower rates of prenatal care and higher rates of infant mortality than even their reservation counterparts within the same state.<sup>4</sup>
- Indicators of economic stability (or lack thereof) are also particularly stark for urban Indians.<sup>5</sup>
- The poverty rate of urban Indians is 20.3 percent compared to 12.7 percent for the general urban population.<sup>6</sup>
- The unemployment rate of urban Indians is 1.7 times higher than that of non-Indians in urban areas.<sup>7</sup>
- Urban Indians are three times more likely to be homeless than non-Indians.<sup>8</sup>
- In Seattle, Native American students have the highest drop out rates and lowest graduation rates.<sup>9</sup>
- Less than one-third of 3<sup>rd</sup> Grade Native American students meet current statewide math standards.<sup>10</sup>

The Commission believes that the following provisions in UNDRIP are particularly relevant to the treatment and status of urban Indians:

- Article 2 states that “Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination... .”

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<sup>2</sup> Coll Thrush, *Native Seattle*, 54 (2007, U. Wash. Press)

<sup>3</sup> *Urban Indian America: The Status of American Indian and Alaska Native Children and Families Today*, National Urban Indian Family Coalition (2008)

[http://unitedindians.org/documents/NUIFC\\_URBAN\\_INDIAN\\_AMERICA.pdf](http://unitedindians.org/documents/NUIFC_URBAN_INDIAN_AMERICA.pdf)

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> *Racial Equity in Seattle*, Race & Social Justice Initiative, Seattle Office for Civil Rights (2012).

<http://www.seattle.gov/rsji/docs/RacialEquityinSeattleReport2012-14.pdf> See also, “Native American students and dropouts: Confronting the problem”, Judy Vue, *The Seattle PI*, March 21, 2010.

<sup>10</sup> “Native American Update”, Wendy London, Seattle Public Schools, 2012.

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- Article 7 states that, “Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.”
- Article 14 states that, “Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination..”
- Article 15 states that, “Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.”
- Article 21 states that, “Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.”
- Article 24 states that, “Indigenous people have an equal right to the enjoyment of the highest attainable standard of physical and mental health.”

The Commission urges the United Nations to consult with Urban Indian organizations such as the Seattle Indian Health Board, the United Indians of All Tribes Foundation, and the Chief Seattle Club to investigate further the status and needs of urban Native Americans living or working in Seattle and to develop a report and strategy for improving their treatment in accordance with human rights standards.

### **Tragic Death of John T. Williams**

The Commission would like to recognize the tragic death of First Nations woodcarver John T Williams. Williams was a member of the Dididaht First Nation of Canada. On August 30, 2010, Williams was killed in while walking in downtown Seattle by a Seattle Police officer. Williams posed no threat, yet the officer gave Williams only four seconds warning before he fatally shot him. The Seattle police ruled the shooting unjustified but both the King County and federal prosecutors announced that they would not file charges against the officer, who was allowed to resign.

Article 3 of the Universal Declaration of Human Rights states that, “Everyone has the right to life, liberty and security of person.” Article 7 of the Universal Declaration of Human Rights states that “All are equal before the law and are entitled without any discrimination to equal protection of the law.” And Article 8 of the Universal Declaration of Human Rights states that, “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

John T. Williams’ human rights were violated when his life was taken, when as a Native American he was the victim of excessive use of force, and when the United States and the County declined to prosecute the police officer.

### **Police Oversight and Accountability In Seattle**

On December 16, 2011, the United State Department of Justice issued a report finding that the Seattle Police Department used excessive force in an unconstitutional manner 20% of the time.<sup>11</sup> The Justice Department began its investigation after the fatal shooting of First Nations woodcarver John T. Williams and other excessive uses of force against minority suspects were captured on videotape and widely broadcast on television and the internet. The Justice Department also said that police officers were too quick to resort to use of weapons and escalated situations by using unnecessary or excessive force when arresting individuals for minor offenses.

The Seattle Human Rights Commission issued a report on January 8, 2012 on police accountability and oversight in Seattle. We highlight three core human rights principles.

First is the principle of dignity and humane treatment. We believe that the police reform measures must include new standards and reporting requirements so that the community and the monitor can actually measure whether police uses of excessive force decrease or increase.

Second is the principle of redress and an effective remedy. Human rights law requires that citizens have the ability to obtain due process and an appropriate remedy when their rights are violated. We believe that means that the City of Seattle must create an independent citizens commission that has the power to investigate allegations of police misconduct and make its own findings of fact. The creation of a citizens commission would help rebuild community trust in the police department and improve the overall quality of police investigations. Without external oversight, police are essentially left to police themselves.

The third principle is equal treatment before law. We believe that police reform must include the development of rigorous baselines to accurately measure whether or not biased policing exists in Seattle. We believe that there was enough testimony presented to the Justice Department by Native Americans in Seattle to warrant further careful review of current and new data to resolve these concerns and bring further action against Seattle if necessary.

### **Conclusion**

We are grateful for the Special Rapporteur's attention to Native Americans. We are committed to fighting for the human rights of all in Seattle, including Native Americans.

We agree with the words of the great leader Chief Joseph who gave his own perspective on human rights:

“Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The Earth is the mother of all people and all people should have equal rights upon it.”

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<sup>11</sup> “Investigation of the Seattle Police Department”, U.S. Dept. of Justice, Civil Rights Division, United States Attorney's Office, Western District of Washington, December 16, 2011

[http://www.justice.gov/crt/about/spl/documents/spd\\_findletter\\_12-16-11.pdf](http://www.justice.gov/crt/about/spl/documents/spd_findletter_12-16-11.pdf)